

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

BERNARD LAVIN,  
Plaintiff

v.

SOCIAL SECURITY  
ADMINISTRATION, ET AL.,  
Defendants

: No. 3:22cv837  
:  
: (Judge Munley)  
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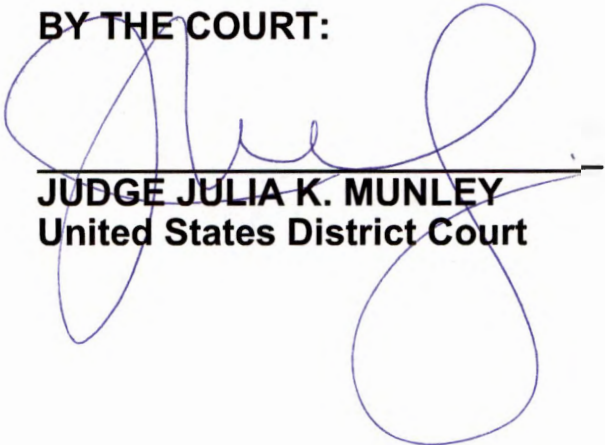
**ORDER**

AND NOW, to wit, this 20th day of November 2023, before the court for disposition is Magistrate Judge Martin C. Carlson's report and recommendation, (Doc. 28), which proposes the dismissal of plaintiff's Social Security appeal for failure to prosecute and granting the defendants' motion to dismiss and motion to strike the individually named defendants from this complaint. (Docs. 17 and 19). No objections to the report and recommendation have been filed, and the time for such filing has passed. Therefore, in deciding whether to adopt the report and recommendation, the court must determine if a review of the record evidences plain error or manifest injustice. FED. R. CIV. P. 72(b) 1983 Advisory Committee Notes ("When no timely objection is filed, the court need only satisfy itself that there is no clear error on the face of the record to accept the recommendation"); see also 28 U.S.C. § 636(b)(1); Sullivan v. Cuyler, 723 F.2d 1077, 1085 (3d Cir. 1983).

After a careful review, the court finds neither a clear error on the face of the record nor a manifest injustice, and therefore, we shall adopt the report and recommendation. It is hereby **ORDERED** as follows:

- 1) The magistrate judge's report and recommendation (Doc. 28) is **ADOPTED**;
- 2) The plaintiff's complaint (Doc. 1) is **DISMISSED** for failure to prosecute;
- 3) The defendants' motion to dismiss and motion to strike the individually named defendants from the complaint (Docs. 17 and 19) are **GRANTED**; and
- 4) The Clerk of Court is directed to close this case.

**BY THE COURT:**



**JUDGE JULIA K. MUNLEY**  
**United States District Court**